

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|---------------------------|---|-------------------------|
| DARLA P. HOLLIS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:08CV1499 JCH |
| |) | |
| ANTHONY J. CUNEO, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. Upon review of the financial affidavit, the Court has determined that plaintiff is unable to pay the filing fee. See 28 U.S.C. § 1915. Consequently, the Court will grant plaintiff's motion. However, after a review of the complaint and the corresponding documentation, the Court will dismiss the individual defendant, Anthony Cuneo, from the present action.

The Complaint

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court is obligated to review pleadings filed in forma pauperis. If at any time it appears that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief, the Court may dismiss any portion of a complaint.

Plaintiff filed the instant action against her employer, Metropolitan Psychiatric Center, as well as her supervisor, Anthony Cuneo. Plaintiff brings this action pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e, et seq., as well as the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621, et seq. Plaintiff alleges that she was discriminated against and harassed, on the basis of her race, color, gender and age. Plaintiff also alleges that she was subjected to retaliation for her prior complaints to the Missouri Commission on Human Rights.

Plaintiff’s claims against the individual defendant, Anthony Cuneo, are subject to dismissal because individual supervisors cannot be held liable under Title VII or the ADEA. Roark v. City of Hazen, 189 F.3d 758, 761 (8th Cir. 1999) citing Bonomolo-Hagen v. Clay Central-Everyly Community School Dist., 121 F.3d 446, 447 (8th Cir. 1997). As such, the Court will dismiss the aforementioned claims against defendant Cuneo and direct the Clerk of Court to issue process as to defendant Metropolitan Psychiatric Center.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis [#2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's claims against defendant Metropolitan Psychiatric Center survive initial review. The Clerk shall issue process or cause process to issue on defendant Metropolitan Psychiatric Center.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue on defendant Anthony Cuneo because, as to this defendant, the complaint is legally frivolous or fails to state a claim upon which relief can be granted, or both.

IT IS FURTHER ORDERED that plaintiff's claims against defendant Anthony Cuneo are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)

A separate Order of Partial Dismissal shall accompany this Memorandum and Order.

Dated this 5th Day of November, 2008.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE